

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC; UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

EMERGENCY MOTION TO CLARIFY 4-4-24 ORDER

1. I hereby seek clarification from the court as follows.
2. On April 4, 2024, the court issued the following order (hereafter “order”):

ENDORSED ORDER denying as outlined re 174 Motion to Seal Document at Level II. Text of Order: Plaintiff Andre Bisasor moves to seal at Level II (doc. no. 174) his motion for reconsideration (doc. no. 175) of the court's March 6, 2024 endorsed order, which denied a separate motion to seal. Bisasor's motion to seal Doc. No. 175 at Level II is denied. A Level II seal is unjustified considering the nature of the information for which Bisasor asserts confidentiality. On or before Monday, April 8, 2024, Bisasor may refile his motions with a redacted copy of the motion for reconsideration that removes the information he asserts is confidential, and the court will consider whether a seal at Level I is justified. The clerk of court is directed to strike Bisasor's motion for reconsideration (doc. no. 175) from the electronic docket and to return any conventionally filed materials, to the extent any were filed, as consistent with Local Rule 83.12(d) and the clerk's standard operating procedures. So Ordered by US Magistrate Judge Talesha L. Saint-Marc. (ko).

3. I am not clear on whether the court intends that I file an unredacted motion for reconsideration AND a redacted motion for reconsideration, and that the unredacted motion for reconsideration will be shared with the defendants at level I but not with the public. In other words, is it the case that whatever motion for reconsideration I refile, it should be understood that it will be docketed at level I to be seen by the defendants?
4. Conversely, does the court simply want me to refile the redacted motion for reconsideration only, as a public document, and not file a sealed unredacted motion for reconsideration at all. I am a bit confused by the exact procedure I should follow pursuant to the court's order.
5. Also, should I be filing a redacted version of the unsealed motion to seal as an exhibit or as a separate filing as a public document?
6. Lastly, the court said it would consider Level I sealing upon my refiling. But what if the court does not grant level I sealing or any sealing at all? Will I get the filings returned to me?

7. I want to ensure I understand the things that can happen or what my options or rights are here.
8. Please grant a pro se liberal construction to this motion. Please also rule on this expeditiously.
9. Without this clarification, I am not certain how to proceed. I ask that the court set a reasonable deadline¹ in light of whatever clarification it provides hereafter.
10. Given the extreme time sensitivity involved, I did not have time to seek or await **concurrence** from the defendants today.
11. Please grant my request or grant any other relief the Court deems proper.

Respectfully submitted,
/s/ Andre Bisasor
Andre Bisasor

April 8, 2024

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to the defendants in this case.

/s/ Andre Bisasor
Andre Bisasor

¹ NB: The court's order was docketed on Friday 4-5-24 (though it is stated as having been filed on 4-4-24) but gave until Monday 4-8-24 to comply. I only have 1 business day to comply with the order, which is a tight timeline in the first place. For example, I scarcely had any time to file this motion to clarify in the same date that compliance is required. I ask that the court keep in mind also that the clerk's office may not docket the order until the next day or business day, giving me less time to comply than what the court might think. This also occurred with the order on the motion to extend time to file the motion to amend, which the court order evidently may have been written some time on the late evening on Friday 3-8-24 but it was not received by the case clerk until Monday 3-11-24 and was not docketed until 3-11-24, ordering that the motion to amend was due on 3-12-24. I know it was not received by the clerk because she responded to my 3-8-24 email (seeking a status on the order) on Saturday 3-9-24 stating that she had not received any court order as yet.